

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**Petition of Southeast Telephone, Inc., for )  
Arbitration of Certain Terms and )  
Conditions of the Proposed Agreement with )  
Kentucky ALLTEL, Inc., Pursuant to the )  
Communications Act of 1934, as amended )  
by the Telecommunications Act of 1996 )**

**Docket No. 2003-00115**

**PETITION FOR CONFIDENTIAL TREATMENT**

Kentucky ALLTEL, Inc. ("Kentucky ALLTEL") moves the Public Service Commission of Kentucky ("Commission") pursuant to K.R.S. §61.878(1)(c)(1) and 807 KAR 5:001, Section 7 to accord confidential treatment to the identifying carrier information contained in Attachment 1 to Jimmy Dolan's Direct Testimony ("competitive carrier summary information") and in support thereof states the following:

1. After the filing of a Petition for Arbitration in this matter by Southeast Telephone, Inc. ("SETel"), the Commission issued an Order on October 27, 2003, requiring parties to submit prefiled testimony by November 5, 2003. By subsequent Order, the Commission extended the deadline for filing testimony to November 10, 2003.

2. An essential part of Kentucky ALLTEL's evidentiary presentation in this proceeding includes discussion with respect to the levels and types of competition that are occurring in Kentucky ALLTEL's greater Lexington market.

3. Kentucky ALLTEL witness, Jimmy Dolan, is filing testimony that describes the extent to which some carriers are self-provisioning switches and leasing collocation space and as to the number of residential and small business and large

business (mass market and enterprise market customers) that these competitive carriers are serving.

4. The competitive carrier summary information is attached to Mr. Dolan's testimony as Attachment 1 and is critical to substantiate the points set forth in his direct testimony.

5. Said competitive carrier summary information includes, by carrier, the total numbers ported and total customer counts (as well as break downs per mass market and enterprise market). If the competitive carrier summary information is published in a form which identifies the categories per specific carrier, it would divulge highly sensitive competitive information which could unduly prejudice the carriers so identified. Further, Kentucky ALLTEL is not entitled to publish such competitively sensitive information on behalf of the competitive carriers.

6. Attached as Exhibit 1 to this Petition is a redacted version of the competitive carrier summary information, which was developed internally by Kentucky ALLTEL utilizing the information available to it as a wholesale carrier. Kentucky ALLTEL's Interconnection Services Department devoted substantial resources to compiling the competitive carrier summary information, which is treated as highly confidential by Kentucky ALLTEL and its affiliates and which has not been released publicly.

7. The competitive carrier summary information includes specific competitive data which Kentucky ALLTEL is providing under seal only to the Commission pursuant to this confidentiality agreement or enforceable order according the information confidential treatment and only to SETel's attorney and designated

Representatives only pursuant to their execution of an acceptable nondisclosure agreement. The competitive carrier summary information contains actual network and customer detail which is proprietary and at a greater level of detail than that carriers normally release to the public.

8. Kentucky ALLTEL and its affiliates employ all reasonable measures to protect the confidentiality of the competitive carrier summary information and to guard against inadvertent, unauthorized disclosure.

9. K.R.S. §61.878(1)(c)(1) provides in pertinent part:

The following public records are excluded from the application of ...[the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction ...

(c)1. ...records confidentially disclosed to an agency or required by an agency to disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

10. Public disclosure of the competitive carrier summary information would provide other competing entities an unfair competitive advantage by affording them access to their competitors' network and customer count detail which they could then use to plan unwarranted market entry or competitive strategies to the detriment of the identified competitors.

11. The competitive carrier summary information is also protected from disclosure pursuant to K.R.S. §61.878(1)(c)(2)(c) as a confidential and proprietary record disclosed to the Commission in conjunction with the regulation of a commercial enterprise.

12. Kentucky ALLTEL has taken all reasonable steps to prevent the dissemination of the competitive carrier summary information in Attachment 1 to Jimmy Dolan's Direct Testimony outside of Kentucky ALLTEL, its parent corporation and affiliates. Additionally, Kentucky ALLTEL has entered into a non-disclosure agreement with SouthEast Telephone Company with respect to this information.

13. Nondisclosure of the competitive carrier summary information would not be detrimental to the policy objectives of the Kentucky Open Records Act and instead would actually serve the public interest by promoting fair competition.

14. Filed with this Petition are the original and ten hard copies of a redacted copy of the competitive carrier summary information in Exhibit 1. One sealed, unredacted copy of the competitive carrier summary information is also included with this filing. An unredacted copy of the competitive carrier summary information has been provided to SETel following its execution and return to Kentucky ALLTEL of a nondisclosure agreement.

15. Due to the highly confidential nature of the competitive carrier summary information and the fact that an electronic format can be easily manipulated to reveal any confidential sections, Kentucky ALLTEL has not enclosed an electronic copy of the unredacted competitive carrier summary information.

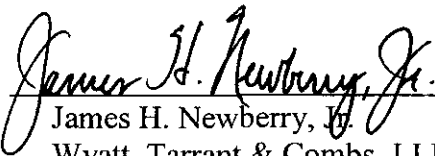
WHEREFORE, Kentucky ALLTEL respectfully requests that the Commission grant this Petition; afford the competitive carrier summary information confidential treatment and place same in the confidential files of the Commission; restrict the viewing to only Commission and Staff involved in this proceeding; prohibit any party including Commission Staff from duplicating the competitive carrier summary information; and

grant Kentucky ALLTEL all other relief to which it may be entitled including the right to withdraw its filing or cure any remaining deficiencies in this Petition prior to any disclosure of the competitive carrier summary information.

Dated: November 10, 2003.

Respectfully submitted,

**KENTUCKY ALLTEL, INC.**

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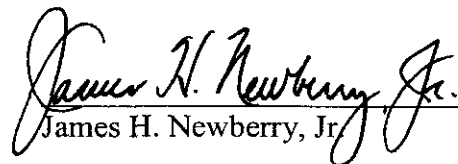
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and a redacted copy of Exhibit 1 have been sent this 10<sup>th</sup> day of November, 2003 by first class mail, postage prepaid, unless otherwise noted, to the following parties of record in this matter:

Jonathon N. Amlung, Esq.  
Attorney for Southeast Telephone Company  
1000 Republic Building  
429 W. Muhammed Ali Blvd.  
Louisville, KY 40202

VIA HAND DELIVERY:

Amy Dougherty, Esq.  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40602

  
James H. Newberry, Jr.

**Exhibit 1**

**Kentucky ALLTEL Interim UNE Price List**

Dolan Exhibit 1

OCN	Carrier	TN's Ported	Total Customers	Enterprise	Mass market
		1000	107	72	35
		11	3	2	1
		8	4	1	3
		1095	591	67	524
		1548	1149	49	1100
		1460	1258	6	1252
		8	1	1	0
		403	70	39	31
		3544	2942	19	2923
		1090	811	32	779
		22	1	1	0
Totals		10189	6937	289	6648

Confidential